

EXHIBIT “5”

Deborah R. Rosenthal (DRR)

From: Deborah R. Rosenthal (DRR)
Sent: Monday, June 04, 2007 12:02 PM
To: 'Tom French'
Subject: RE: Hogge v. John Crane -- Proposed Stip re Remand Motion

Tom,

Thank you for your prompt response. Unfortunately your proposed dates are unacceptable, in light of Mr. Hogge's failing health, so I will move for an order shortening time and notify the court that we attempted to reach a stipulation but were unable to do so.

Regards,

Deborah

-----Original Message-----

From: Tom French [mailto:BTF@hassard.com]
Sent: Monday, June 04, 2007 11:36 AM
To: Deborah R. Rosenthal (DRR)
Subject: RE: Hogge v. John Crane -- Proposed Stip re Remand Motion

Deborah,

The case number stamped on our papers is C07 2873 EDL.

With respect to the proposed stipulation, we are willing to stipulate to a briefing schedule for the motion to remand that would shorten the time within which plaintiffs file their reply to our opposition and/or to shorten the time within which the motion is heard after the plaintiffs' reply is filed, but we are not willing to shorten the time within which our opposition must be filed. Among other things, I anticipate the plaintiffs will argue our client bears the burden of proof with respect to removal. As a result, we must have adequate time to respond to whatever grounds for remand are raised in the motion.

For the foregoing reasons, the briefing schedule we would propose is as follows: motion filed on 6/5/07; opposition due on or before 6/19; reply due on or before 6/22; hearing during week of 6/25 or 7/2, subject to the assigned judge's calendar. Obviously, if the motion is filed after 6/5/07, the briefing schedule would be extended accordingly.

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6/4/2007

-----Original Message-----

From: Deborah R. Rosenthal (DRR) [mailto:DRRosenthal@phhlaw.com]
Sent: Monday, June 04, 2007 10:36 AM
To: Tom French
Subject: RE: Hogge v. John Crane -- Proposed Stip re Remand Motion

When we spoke on Friday, I did not have a proposal for you prepared yet, which I told you repeatedly. My verbal representation to you that in past cases we had proposed to shorten the time for our reply only, and not defendant's opposition, was merely that: a representation of what we had done in the past.

My proposal for the briefing and hearing scheduled in this matter is what I sent to you via email on Friday.

Since you received my voicemail message this morning, you also know that I need the federal court case number and judge/department.

Thank you for your prompt attention to these matters. I look forward to hearing from you.

Deborah

-----Original Message-----

From: Tom French [mailto:BTf@hassard.com]
Sent: Monday, June 04, 2007 10:21 AM
To: Deborah R. Rosenthal (DRR)
Subject: RE: Hogge v. John Crane -- Proposed Stip re Remand Motion

Deborah,

I reviewed your proposed stipulation, and contrary to what you told me late Friday afternoon, your proposal shortens defendant's time to file its opposition from 14 days to 7 days (on Friday you said your stipulation would only affect the time within which the reply brief was required to be filed). In addition, I just received your voice-mail message in which you suggested you may want to further modify the briefing schedule. As I indicated on Friday, I need to discuss this proposed stipulation with some other people, but before I can do so I need to know exactly what the proposal is.

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-----Original Message-----

From: Deborah R. Rosenthal (DRR) [mailto:DRRosenthal@phhlaw.com]
Sent: Friday, June 01, 2007 7:19 PM
To: Tom French
Subject: Hogge v. John Crane -- Proposed Stip re Remand Motion

As we discussed by telephone earlier today, plaintiffs propose that the parties stipulate to having plaintiffs' remand motion heard on shortened time.

Pursuant to the Local Rules of the Northern District of California, motions must be filed and served not less than 35 days before the hearing, oppositions not less than 21 days before the hearing, and reply briefs not less than 14 days before the hearing. (See N.D. Cal. Local Rule Nos. 7-2 & 7-3.)

Due to Mr. Hogge's failing health, plaintiffs intend to file their motion for remand no later than Tuesday, June 5, 2007 and to simultaneously move for an order shortening the briefing schedule and the time for the Court to hear the motion as follows:

If plaintiffs file their motion on 6/5, that defendant's opposition be filed and served no later than 6/12 (giving defendant 7 rather than 14 days to oppose); that plaintiffs' reply brief, if any, be filed and served no later than 6/15, and that the motion be heard during the week of 6/18 in accordance with the assigned judge's motion calendar.

Attached is a draft stipulation (and supporting declaration, as required by the local rules) to this effect. Please let me know by noon on Monday whether this is acceptable, or if you have an alternative proposal, or if you are unwilling to stipulate to having plaintiffs' motion for remand heard on shortened time.

Thank you. I look forward to hearing from you.

<<JOHNCRANE stip re OST re remand - DRR dec.doc>> <<JOHNCRANE stip re OST re remand.doc>> Deborah
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EXHIBIT “6”

PACER User: ph1401

Court: 0971 California Northern District

| Date | Time | Pages | Client Code | Description | Search Criteria |
|------------|-------------------|-------|-------------|-------------------|---|
| 06/04/2007 | 09:23:14 | 2 | | Search | Filed From: 6/1/2007 Filed To: TODAY |
| | 09:24:27 | 3 | | Search | Filed From: 5/31/2007 Filed To: 6/2/2007 |
| | 16:20:28 | 1 | 10293 | Search | Last Name: Hogge First Name: Everett |
| | SUB TOTAL: | 6 | pages | | |
| | \$ | 0.48 | charges | | |
| | | | | | |
| Date | Time | Pages | Client Code | Description | Search Criteria |
| 06/06/2007 | 09:23:06 | 2 | hogge | Search | Filed From: 6/1/2007 Filed To: 6/2/2007 |
| | 09:24:35 | 1 | hogge | Party List | 3:06-cv-02962-CRB |
| | 09:24:47 | 1 | hogge | Search | Last Name: john crane inc. |
| | 14:06:05 | 1 | 10293 | Case Summary | 3:07-cv-02873-EDL |
| | 14:06:47 | 1 | 10293 | Docket Report | 3:07-cv-02873-EDL Start date: 6/1/2007 End date: 6/6/2007 |
| | 14:47:45 | 2 | | Docket Report | 4:07-cv-00843-WDB |
| | SUB TOTAL: | 8 | pages | | |
| | \$ | 0.64 | charges | | |
| | | | | | |
| Date | Time | Pages | Client Code | Description | Search Criteria |
| 06/07/2007 | 11:11:04 | 1 | Hogge | History/Documents | 3:07-cv-02873-EDL 226_0-1 |
| | 11:15:53 | 6 | Hogge | Image9-0 | 3:07-cv-02873-EDL Document 9-0 |
| | 11:16:24 | 9 | Hogge | Image10-0 | 3:07-cv-02873-EDL Document 10-0 |
| | 11:16:48 | 2 | Hogge | Image11-0 | 3:07-cv-02873-EDL Document 11-0 |
| | 11:17:25 | 4 | Hogge | Image12-0 | 3:07-cv-02873-EDL Document 12-0 |
| | 11:17:39 | 1 | Hogge | Image15-0 | 3:07-cv-02873-EDL Document 15-0 |
| | 11:45:48 | 5 | 10293 | Docket Report | 3:07-cv-02873-EDL |
| | 12:50:30 | 5 | Hogge | Docket Report | 3:07-cv-02873-MJJ |
| | 12:50:40 | 1 | Hogge | History/Documents | 3:07-cv-02873-MJJ 226_0-1 |

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|-----------------------|------|---------|-------------------|---------------------------------|
| 12:51:09 | 1 | Hogge | Image19-0 | 3:07-cv-02873-MJJ Document 19-0 |
| 14:53:17 | 1 | Hogge | History/Documents | 3:07-cv-02873-MJJ 226_0-1 |
| 17:16:01 | 5 | 10293 | Docket Report | 3:07-cv-02873-MJJ |
| SUB TOTAL: | 41 | pages | | |
| \$ | 3.28 | charges | | |

| Date | Time | Pages | Client Code | Description | Search Criteria |
|------------|----------|-------|----------------|-------------------|---------------------------------|
| 06/08/2007 | 08:37:11 | 1 | | Case Summary | 3:07-cv-02873-MJJ |
| | 08:37:19 | 5 | | Docket Report | 3:07-cv-02873-MJJ |
| | 09:46:51 | 1 | hogge | History/Documents | 3:07-cv-02873-MJJ 226_0-1 |
| | 10:47:40 | 5 | 10293 | Docket Report | 3:07-cv-02873-MJJ |
| | 10:47:58 | 14 | 10293 | Image23-0 | 3:07-cv-02873-MJJ Document 23-0 |
| | 10:49:04 | 6 | 10293 | Image24-0 | 3:07-cv-02873-MJJ Document 24-0 |
| | 10:50:15 | 27 | 10293 | Image25-0 | 3:07-cv-02873-MJJ Document 25-0 |
| | 10:52:02 | 26 | 10293 | Image26-0 | 3:07-cv-02873-MJJ Document 26-0 |
| | 13:28:49 | 2 | 9358 | Docket Report | 4:07-cv-00843-WDB |
| | 14:42:53 | 7 | 10293 | Image28-0 | 3:07-cv-02873-MJJ Document 28-0 |
| | 14:43:47 | 10 | 10293 | Image28-1 | 3:07-cv-02873-MJJ Document 28-1 |
| | 15:11:38 | 1 | hogge | History/Documents | 3:07-cv-02873-MJJ 226_0-1 |
| | 15:26:30 | 1 | hogge | History/Documents | 3:07-cv-02873-MJJ 226_0-1 |
| | 15:47:54 | 1 | hogge | History/Documents | 3:07-cv-02873-MJJ 226_0-1 |
| | 15:48:58 | 5 | 10293 | Docket Report | 3:07-cv-02873-MJJ |
| | 16:08:46 | 5 | 10293 | Docket Report | 3:07-cv-02873-MJJ |
| | 16:09:20 | 1 | hogge | History/Documents | 3:07-cv-02873-MJJ 226_0-1 |
| | 16:17:07 | 5 | 10293 | Docket Report | 3:07-cv-02873-MJJ |
| | 16:18:03 | 1 | hogge | History/Documents | 3:07-cv-02873-MJJ 226_0-1 |
| | 16:27:58 | 5 | 10293 | Docket Report | 3:07-cv-02873-MJJ |
| | 16:40:51 | 5 | 10293 | Docket Report | 3:07-cv-02873-MJJ |
| | 16:41:38 | 1 | hogge | History/Documents | 3:07-cv-02873-MJJ 226_0-1 |
| | 16:45:35 | 5 | 10293 | Docket Report | 3:07-cv-02873-MJJ |
| | 16:46:05 | 11 | 10293 | Image29-0 | 3:07-cv-02873-MJJ Document 29-0 |
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| | 16:51:21 | 1 | hogge | History/Documents | 3:07-cv-02873-MJJ 226_0-1 |
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| | 17:00:53 | 1 | hogge | History/Documents | 3:07-cv-02873-MJJ 226_0-1 |

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| 17:04:50 | 1 | hogge | History/Documents | 3:07-cv-02873-MJJ 226_0-1 |
| 17:07:48 | 1 | hogge | History/Documents | 3:07-cv-02873-MJJ 226_0-1 |
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| SUB TOTAL: | 171 | pages | | |
| \$ | 13.68 | charges | | |
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| Date | Time | Pages | Client Code | Description | Search Criteria |
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| | SUB TOTAL: | 5 | pages | | |
| | \$ | 0.40 | charges | | |
| | | | | | |
| | TOTAL: | 231 | pages | | |
| | \$ | 18.48 | charges | | |